

USSN: 09/896,990  
Atty. Docket No.: 2001B053  
Amendment dated August 2, 2004  
Reply to Office Action of June 2, 2004

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### **REMARKS/ARGUMENTS**

Further consideration of the subject application in light of the remarks which follow and consistent with 37 C.F.R. 1.111 is hereby respectfully requested. Claims 15-33 are pending, wherein claims 19-24 and 28 are objected to under 37 C.F.R. § 1.75(c), claims 29-30 and 19-24 are rejected under 35 U.S.C. § 112, second paragraph, and claims 15-31 are subject to a rejection under 35 U.S.C. § 103 (a).

### **RESPONSE TO OBJECTIONS UNDER 37 C.F.R. § 1.75(c)**

Claims 19-24 are objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended the dependency into the proper form. Applicant respectfully requests the Examiner withdraw the objection to claims 19-24.

Claim 28 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. Accordingly, Applicant has cancelled claim 28. Applicant respectfully requests the Examiner withdraw the objection to claim 28.

### **RESPONSE TO REJECTION UNDER 35 U.S.C. § 112**

Claims 29-30 are rejected under 35 U.S.C. § 112, second paragraph for failing to comply with the written description requirement. Examiner takes the position that the endpoint of the recited range for the thickness of the second skin layer of 1.5-3.5  $\mu\text{m}$  is not supported by the application as originally filed. Applicants respectfully disagree. Applicants have amended these claims and added claim 34 to reflect the recitation of the thickness' stated in the specification. Applicants submit that support in the specification, as filed, for this amendment may be found at page 7, line 31 to page 8, line 1. Applicant has added claim 35, which recites a range within the range provided in the specification. Therefore, Applicants respectfully request the rejection to claims 29-30 be withdrawn.

Claims 19-24 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants believe this rejection is based on the same reasoning as the above objection to claims 19-24. Applicants have amended the claims to comply with the objection and believe these amendments render the rejection to claims 19-24 moot, without

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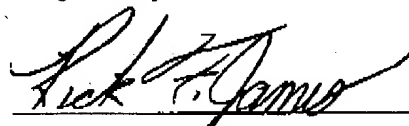
prejudice. Applicants therefore kindly request the rejection to claims 19-24 be withdrawn. Applicants kindly request a further explanation of the rejection to claims 19-24 under 35 U.S.C. § 112, should the amendments based on the objection do not satisfy this rejection.

**RESPONSE TO REJECTION UNDER 35 U.S.C. § 103 (a)**

Examiner rejected the pending claims 15-31 as being unpatentable over U.S. Patent 5,753,363 ("Bader") in view of U.S. Patent 6,106,933 ("Nagai"). Applicant does not believe this rejection is pertinent and respectfully reserves the right to traverse this rejection on the merits at a later time, if necessary. Notwithstanding, Applicant respectfully submits that Bader is not a proper reference against the claimed invention. Under section 103(c), the Bader patent, filed March 15, 1996 and issued May 19, 1998, is disqualified as a section 102(e) prior art reference. This is because at the time the claimed invention was made, the Bader subject matter and the claimed invention were owned by the same corporation or subject to assignment to the same corporation, namely the Mobil Oil Corporation. Subsequent to the filing of the Bader reference, Mobil Oil Corporation changed its name to ExxonMobil Oil Corporation. The instant application has also been assigned to ExxonMobil Oil Corporation. As such, it is submitted that the Bader reference and the claimed invention are commonly owned. Please find transmitted herewith a copy of the document evidencing the name change from "Mobil Oil Corporation" to "ExxonMobil Oil Corporation" and a copy of the assignment, which assigns the claimed invention to ExxonMobil Oil Corporation.

Accordingly, it is respectfully submitted that the claims are in condition for allowance and favorable action thereon is requested.

Respectfully submitted,



Rick F. James  
Registration No. 48,772

Date: August 2, 2004

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Law Technology  
P.O. Box 2149  
Baytown, Texas 77522-2149  
Telephone No. (281) 834-2438  
Facsimile No. (281) 834-2495

State of New York }  
Department of State } ss:

*I hereby certify that the annexed copy has been compared with the original document in the custody of the Secretary of State and that the same is a true copy of said original.*

Witness my hand and seal of The Department of State on JUN 22 2001



*Special Deputy Secretary of State*

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CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
MOBIL OIL CORPORATION

CSC 45

(Under Section 805 of the Business Corporation Law)

Pursuant to the provisions of Section 805 of the Business Corporation Law, the undersigned President and Secretary, respectively, of Mobil Oil Corporation hereby certify:

FIRST: That the name of the corporation is MOBIL OIL CORPORATION and that said corporation was incorporated under the name of Standard Oil Company of New York.

SECOND: That the Certificate of Incorporation of the corporation was filed by the Department of State, Albany, New York, on the 10th day of August, 1882.

THIRD: That the amendments to the Certificate of Incorporation effected by this Certificate are as follows:

(a) Article 1st of the Certificate of Incorporation, relating to the corporate name, is hereby amended to read as follows:

"1st The corporate name of said Company shall be,  
ExxonMobil Oil Corporation".

(b) Article 7th of the Certificate of Incorporation, relating to the office of the corporation is hereby amended to read as follows:

The office of the corporation within the State of New York is to be located in the County of Albany. The Company shall have offices at such other places as the Board of Directors may from time to time determine.

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FOURTH: That the amendments to the Certificate of Incorporation were authorized by the Board of Directors followed by the holder of all outstanding shares entitled to vote on amendments to the Certificate of Incorporation by written consent of the sole shareholder dated May 22, 2001.

IN WITNESS WHEREOF, this Certificate has been signed this 22nd Day of May, 2001.

  
F. A. Reich, President


STATE OF TEXAS )  
COUNTY OF DALLAS )

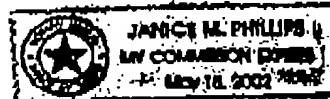
F. L. REID, being duly sworn, deposes and says that he is the Secretary of MOBIL OIL CORPORATION, the corporation mentioned and described in the foregoing instrument; that he has read and signed the same and that the statements contained therein are true.

  
F. L. REID, Secretary

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this the 22nd day of May, 2001.

[SEAL]

  
NOTARY PUBLIC, STATE OF TEXAS



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## CERTIFICATE OF AMENDMENT

OF

MOBIL OIL CORPORATION

Under Section 805 of the Business Corporation Law

SAC

100 cc  
STATE OF NEW YORK  
DEPARTMENT OF STATEFiled by: EXXONMOBIL CORPORATION  
(Name)

FILED JUN 01 2001

TAX \$

5939 Las Colinas Blvd  
(Mailing address)BY: SACIrving, TX 75039-2298  
(City, State and Zip code)

ny Albany

Cust Ref # 165578 MPJ

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